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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/057,001	01/25/2002	Amy Swift	1DATA.049A	3494
20995 7590 02/25/2008 KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614				
EXAMINER				
OYEBISI, OJO O				
ART UNIT		PAPER NUMBER		
3696				
NOTIFICATION DATE		DELIVERY MODE		
02/25/2008		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

jcartee@kmob.com
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Office Action Summary

Application No.

10/057,001

Applicant(s)

SWIFT ET AL.

Examiner

OJO O. OYEBISI

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 12, 14-16, 18-27 and 32-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 12, 14-16, 18-27 and 32-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statements (PTO/SB08)
Paper No(s)/Mail Date 11/30/07.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/10/07 has been entered. In the RCE FILED ON 11/30/07, the following have occurred: claims 12, 14-16, 18-27, and 32-34 are amended herein and Claims 13 and 17 are canceled. Thus, Claims 12, 14-16, 18-27, and 32-34 are pending and are presented for further consideration. Further, applicant's amendment has necessitated the withdrawal of Claim Rejections under 35 USC § 112 second paragraph.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 32-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The applicant recites in the body of claim 32

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sixth different instructions i.e., first, second, third, fourth, fifth, sixth instructions.

However, the specification as originally filed does not provide support for these different instructions. More specifically, the specification as originally filed does mention modules and instructions; but not first, second, third, fourth, fifth, sixth instructions as now implied.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 14-16, 18-27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The applicant recites the limitation "the first account number and the second account number is less than or equal to a selected threshold," in the body of claim 12. The examiner contends that a selected threshold can be any parameter. Thus it is not clear to the examiner what this selected threshold is. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 12-27, and 32-34 are rejected under 35 U.S.C. 102(e) as being anticipated by Page (US PAT: 6,464,134).

Re claims 12, 14-16, 22-24. Page discloses a method of processing a check transaction, the method comprising: storing a record of a first cleared check transaction by a payor (see col.7 lines 33-35, also see fig.2 element 50), the record comprising a first account number associated with the first cleared check transaction; receiving an indication that a second check transaction by the payor failed to clear at least in part because a second account number received in connection with the second check transaction was erroneous (i.e., generate a non-verification signal, see col.4 lines 55-65); wherein the second check transaction corresponds to a different check than the first cleared check transaction, identifying the payor using personal identification code associated with payor of the second check transaction (i.e., identifying code, see col.5 lines 9-20); locating the record of the first previously cleared check transaction using the personal identification code (i.e., readily access such data, specifically but not exclusively for purposes of comparing various sets of data, see col.7 lines 27-35) ; reading the first account number from the record of the first cleared check transaction (see col.8 lines 40-46, also see the abstract); comparing the digits of at least the first account number (i.e., a first set of data, see col.7 lines 30-40) with corresponding digits of at least the second account number to determine the number of differing digits between the first account number and the second account number (i.e., Preferably, the payee data includes at least the name or other identification of the payee and/or the dollar amount or value of the check. Along these lines, the issuing terminal 10

preferably includes a printer or like printing facility 22, so as to produce any desired hard copy records of any data entered into and stored in the memory facilities of the issuing terminal 10 relating to the one or more checks being processed. The processing center 12, which may be integral with or remote from the issuing and/or cashing terminals 10 and 14, is preferably computer oriented and includes a central processing unit or like facilities 24 having the ability to receive data from a plurality of different sources, at least temporarily store such data, and readily access such data, specifically but not exclusively for purposes of comparing various sets of data, at least in terms of corresponding content. More specifically, and as explained in greater detail with reference to FIG. 2, a first set of data relating to a particular bank check issued by the issuing terminal 10 and communicated and stored in the processing center 12, would be compared, as to its content, with a second set of data, received from the cashing terminal 14, and relating to the same bank check, when such bank check is presented for redemption at the site of the cashing terminal 14. In addition to the above, the processing center 12 should also be capable of communication between the issuing terminal 10 as at 28 and the cashing terminal 14 as at 30, see col.7 lines 15-40); submitting the second check transaction for clearance using the first account number associated with the first cleared check transaction if the number of differing digits between the first account number and the second account number is less than or equal to a selected threshold (i.e., a positive comparison would comprise the content of both the first and second sets of data being identical, in that the account data as well as at least the value of the check and possibly the identification of the payee appearing on

the face of the check presented for redemption, would identically correspond to the same information which defines the first set of data supplied to the processing center by the issuing terminal. To the contrary, a negative comparison would result when, for example, the individualized payee data appearing on the face of the check presented for redemption has a value greater than or different from the value of that check supplied by the issuing terminal and initially stored in the processing center prior to comparison. The computer or processing facilities at the processing center would then generate either a verification signal or non-verification signal, which would be communicated directly to the cashing terminal, see col.4 lines 45-55)(see the abstract, also see the summary of the invention).

Re claims 18, 19. Page further discloses the method, wherein the personal identification code is a driver license number (i.e., see col.1 lines 35-40).

Re claims 20, 21. Page further discloses the method, wherein the personal identification code is a social security number (i.e., page discloses individualized payee data which inherently encompasses social security number or any individualized data for that matter, see col.3 lines 34-43).

Re claim 25. Page further discloses the method, wherein the second account number was read magnetically and converted to characters (i.e., scanner, see col.6 lines 55-65).

Re claim 26. Page further discloses the method, wherein the second account number was manually entered into a form (see col.4 lines 25-40).

Re claim 27. Page further discloses the method, wherein the second account

number was read optically and converted to characters (see col.6 lines 55-65).

Re claims 32, 33-34. Page further discloses an apparatus configured to process check data, the apparatus comprising: a first instruction stored in computer readable memory, the first instruction configured to store MICR data associated with a first cleared check from a payor (see col.7 lines 33-35, also see fig.2 element 50); a second instruction stored in computer readable memory, the second instruction configured to read an indication that a second check from a payor failed to clear because MICR data associated with second check was incorrect (i.e., non-verification see col.1 lines 5-16); the second check transaction corresponding to a different check than the first cleared check; a third instruction stored in computer readable memory, the third instruction configured to read a personal identifier associated with the payor (i.e., identifying code, see col.5 lines 9-20), wherein the personal identifier was provided in association with the second check transaction(i.e., individualized payee data, see col.3 lines 34-43); a fourth instruction stored in computer readable memory, the fourth instruction configured to locate the MICR data associated with the first cleared check using the personal identifier (i.e., readily access such data, specifically but not exclusively for purposes of comparing various sets of data, see col.7 lines 27-35); a fifth instruction stored in computer readable memory, the fifth instruction configured to compare at least a portion of the located MICR data with at least a portion of the MICR data associated with the second check transaction (see col.1 lines 1-20); and a sixth instruction stored in computer readable memory, the sixth instruction configured to submit the second check for clearance using at least a portion of the located MICR data

if a determination is made based in part on the comparison, that the portion of the located MICR data comprises MICR data that was intended to have been used in connection with the second check transaction (i.e., Preferably, the payee data includes at least the name or other identification of the payee and/or the dollar amount or value of the check. Along these lines, the issuing terminal 10 preferably includes a printer or like printing facility 22, so as to produce any desired hard copy records of any data entered into and stored in the memory facilities of the issuing terminal 10 relating to the one or more checks being processed. The processing center 12, which may be integral with or remote from the issuing and/or cashing terminals 10 and 14, is preferably computer oriented and includes a central processing unit or like facilities 24 having the ability to receive data from a plurality of different sources, at least temporarily store such data, and readily access such data, specifically but not exclusively for purposes of comparing various sets of data, at least in terms of corresponding content. More specifically, and as explained in greater detail with reference to FIG. 2, a first set of data relating to a particular bank check issued by the issuing terminal 10 and communicated and stored in the processing center 12, would be compared, as to its content, with a second set of data, received from the cashing terminal 14, and relating to the same bank check, when such bank check is presented for redemption at the site of the cashing terminal 14. In addition to the above, the processing center 12 should also be capable of communication between the issuing terminal 10 as at 28 and the cashing terminal 14 as at 30, see col.7 lines 15-40) (see the abstract, also see the summary of the invention).

Response to Arguments

Applicant's arguments filed 11/30/07 have been fully considered but they are not persuasive. The applicant argues in substance that Page does not disclose "comparing digits of at least the first account number with corresponding digits of at least the second account number to determine the number of differing digits between the first account number and the second account number." Contrary to the applicant's assertion, Page discloses a method of transmitting information about a check e.g., account data, amount and payee information (i.e., first set of data) to a processing center at the time when the check is issued. Later, when the check is presented (e.g., to a bank) for redemption, the account data, check amount and payee information (second set of data) are compared with the corresponding information that was transmitted to the processing center when the check was issued (see col.4 lines 32-40). Thus a positive comparison between the first set of data previously supplied to the processing center and the second set of data on the check that is currently presented for redemption would result in the check being cleared and cashed, and the reverse is true otherwise. The examiner maintains that a first previously cleared check transaction, as disclosed by the applicant, is located to capture the account data enclosed therein and since this account data is associated with a cleared check, certainly it is error free and is potentially the correct account number. Thus it is the account data on the previously cleared check (error free account data) that is compared to the account data on the check that is currently presented for redemption. Similarly, the check account information (i.e.,

account data, amount and payee information), taught by Page, transmitted to a processing center is certainly the error free account information and is potentially the correct account data. Thus it is the account information transmitted to a processing center upon issued of a check that is compared to the account data (second set of data) on the check that is currently presented for redemption. Thus the check account information (i.e., account data, amount and payee information), taught by Page, transmitted to a processing center upon issued of a check is akin to the account number/data on a first previously cleared transaction check.

The examiner further contends that the check account information disclosed by page encompasses the check account number. Thus when the account data on the previously cleared check (error free account data) is compared to the account data on the check that is currently presented for redemption (i.e., a second check), their corresponding account number digits are compared to find a match between the two checks (i.e., first and second checks). Note that if a match is found between the two checks (i.e., positive comparison), then the check would clear. The reserve is true otherwise.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571)272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Dixon can be reached on (571)272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ella Colbert/
Primary Examiner, Art Unit 3696

O.O

Application Number**Application/Control No.**

10/057,001

**Applicant(s)/Patent under
Reexamination**

SWIFT ET AL.

Examiner

OJO O. OYEBISI

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